

**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Accelerating Wireless Broadband Deployment by)	WT Docket No. 17-79
Removing Barriers to Infrastructure Investment)	
)	

COMMENTS OF:

Pala Band of Mission Indians – Tribal Historic Preservation Office

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July 17, 2017

The Pala Band of Mission Indians is located on the Pala Reservation in northern San Diego County, California.

The Federal Communications Commission's Tower Construction Notification System (TCNS) system has proven to be a very useful tool to track, monitor, and expedite the placement of cellular technology infrastructure. Over the past several years, we have worked with and developed quality relationships with the many consultants installing telecommunication infrastructure facilities, including cell tower siting, through the TCNS Program, as well as with the FCC staff. With the emerging 5G technology by the wireless telecommunications industry we can see the benefits of modernizing the existing TCNS system to meet all stakeholder needs.

The TCNS system has been useful in streamlining tower notifications and responding to requests for information and consultation. It has reduced our office's paperwork burden substantially. However, the system is *only* for brief responses and is not designed to include the details of consultation, whether successful or difficult. The system is inappropriate to be used for this purpose; rather, Tribes who want to share success stories should be consulted about how they want those stories to be shared.

Again, although we find the TCNS system helpful, that is only our experience, and we cannot speak for other Tribal Nations. Each Tribal government is sovereign, and needs to be considered separately. Further, although THPOs operate under the authority of the National Park Service, as do SHPOs, they are *not* the same. Tribal governments must be considered separately from state governments.

Further, the problem with "tribal delay" is specific to certain Tribes, and should not be used as a blanket complaint about all tribal consultation. Bear in mind that many Tribes do not have the resources and staff to respond immediately to TCNS requests; further, adequate information to make informed decisions is frequently lacking, which means Tribes must reach out to industry consultants for more details. The onus for this is on the consultants, and not on the Tribes.

A related issue concerns the locations of two tribal consultation meeting. On June 23 the FCC announced Tribal consultation meetings related to this docket would be held in Eugene, Oregon (July 20); Broken Arrow, Oklahoma (July 24); and Knoxville, Tennessee (July 25). Our Tribe supports tribal consultation, but unfortunately, two of these locations are not within reasonable distance from most Tribal Nations: Eugene and Knoxville. California, in particular, has 106 distinct Tribal Nations, yet none of these meetings is within a reasonable distance for most California Tribes.

We understand that there are concerns about how Tribes define their areas of interest, and that HUD has been used as an example of how to easily delineate these areas. This is not a good template for Tribes, as it is limited to counties and cannot be customized for areas that are multi-county or even multi-state. Tribes should engaged in a process – perhaps as part of a working group – to come up with a way to share areas of interest.

Finally, each tribe has unique working structure and industry and FCC can't make broad, general assumptions about how tribal governments function. Industry complaints about and attacks on Tribes have not been helpful, since they are broadly generalizing the experiences of a few to the whole. Most Tribes are working in good faith to resolve concerns, but the outreach by industry has not been sufficient to truly characterize the nature of both Tribal and industry concerns.

Thank you for your consideration of these comments.

A handwritten signature in black ink, reading "Shasta C. Gaughen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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